

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Attorney Docket No. 38137-0022

In re patent application of:  
Bernhard FLECKENSTEIN et al.

Serial No.: Unassigned (Continuation of  
09/230,048 filed 3/12/1999)

Art Unit: Unassigned

Filed: Concurrently Herewith

Examiner: Unassigned

For: VIRAL INTERLEUKIN-6

**INFORMATION DISCLOSURE STATEMENT  
UNDER 37 CFR §1.56 and 37 CFR §1.97**

Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Submitted herewith on Form PTO/SB/08A is a listing of documents known to applicants in order to comply with applicants' duty of disclosure pursuant to 37 C.F.R. §1.56.

The submission of any document herewith, which is not a statutory bar, is not intended as an admission that such document constitutes prior art against the claims of the present application or is considered to be material to patentability as defined in 37 C.F.R. §1.56(b). Applicants do not waive any rights to take any action which would be appropriate to antedate or otherwise remove as a competent reference any document which is determined to be a *prima facie* prior art reference against the claims of the present application.

The documents submitted herewith on Form PTO/SB/08A, lists the documents cited by or submitted to the Patent Office in parent application Serial No. 09/230,048 filed March 12, 1999.

As provided in 37 C.F.R. §1.98(d), copies of the documents are not being provided since they were previously cited by or submitted to the Patent Office in parent application Serial No. 09/230,048 filed March 12, 1999.

The instant Information Disclosure Statement is being filed within three months of the filing date under 37 CFR §1.97(b)(1), therefore, no fee is required in connection with its filing. However, the Commissioner is hereby authorized to charge any deficiency or to credit any overpayment to Deposit Account No. 08-1641.

Applicants respectfully request that the listed documents be considered by the Examiner and be made of record in the present application and that an initialed copy of Form PTO-SB/08A be returned in accordance with M.P.E.P. §609.

Respectfully submitted,

April 21, 2004  
Date

Patricia D. Granados  
Patricia D. Granados  
Reg. No. 33,683  
Attorney for Applicants

**Customer ID No. 26633**  
HELLER EHRMAN WHITE & McAULIFFE LLP  
1666 K Street, N.W., Suite 300  
Washington, DC 20006  
Telephone: (202) 912-2000  
Facsimile: (202) 912-2020

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PTO/SB/08A (08-00)

Approved for use through 10/31/2002. OMB 0651-0031  
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Substitute for form 1449A/PTO			<b>Complete if Known</b>		
<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  <i>(use as many sheets as necessary)</i>			Application Number	Unassigned	
			Filing Date	Concurrently Herewith	
			First Named Inventor	Bernhard FLECKENSTEIN et al.	
			Group Art Unit	Unassigned	
			Examiner Name	Unassigned	
			Attorney Docket Number	38137-0022	
Sheet	1	of	2		

U.S. PATENT DOCUMENTS						
Examiner Initials *	Cite No. <sup>1</sup>	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number	Kind Code <sup>2</sup> (if known)			
		5,831,064		Chang et al.	11/3/1998	
		5,861,240		Ganem et al.	1/19/1999	
		5,200,313		Carrico	11/3/1998	

FOREIGN PATENT DOCUMENTS								
Examiner Initials *	Cite No. <sup>1</sup>	Foreign Patent Document			Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sub>8</sub>
		Office <sup>3</sup>	Number <sup>4</sup>	Kind Code <sup>5</sup> (if known)				
		WIPO	8,800,206		Clark et al.	1/14/1988		

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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Unique citation designation number. <sup>2</sup> See attached Kinds of U.S. Patent Documents. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

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		Group Art Unit	Unassigned
		Examiner Name	Unassigned
Sheet 2 of 2	Attorney Docket Number	38137-0022	

OTHER PRIOR ART -- NON PATENT LITERATURE DOCUMENTS			
Examiner Initials *	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
		Neipel, F., et al "Human Herpesvirus 8 Encodes a Homolog of Interleukin-6", Journal of Virology, Vol. 71, No. 1, pp. 839-842 (1997)	
		Russo, J., et al., "Nucleotide Sequence of the Kaposi Sarcoma-Associated Herpesvirus (HHVB)", Proc. Natl. Acad. Sci. USA. Vol. 93. pp. 14862-14867 (1996)	
		Moore, P., et al., "Molecular Mimicry of Human Cytokine and Cytokine Response Pathway Genes by KSHV", Science, Vol. 274, pp. 1739-1744 (1996).	
		Zhong, W., et al., "Restricted Expression of Kaposi Sarcoma-Associated Herpesvirus (Human Herpesvirus 8) Genes in Kaposi Sarcoma", Proc. Natl. Acad. Sci. USA, Vol. 93, pp. 6641-6646 (1996)	
		Verma et al., Nature, 389, 1997, pp. 239-242	
		Mullberg et al., J. Immunol., 164, 2000, pp. 4672-4677	
		Hoischen et al., Eur. J. Biochem., 267, 2000, pp. 3604-3612	
		Molden et al., J. Biol. Chem., 272, 1997, pp. 19625-19631	
		Wan et al., J. Virology, 73, 1999, pp. 8268-8278	
		Chang et al., Science, 266, 1994, pp. 1865-1869	
		H.R. Maurer, in Animal Cell Culture - A Practical Approach, ed. R.I. Freshney, IRL Press Limited, Oxford, England, 1987, pp. 13-31	
		Orkin et al., "Report and Recommendations of the Panel to Assess the NIH Investment in Research on Gene Therapy", December 1995	

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